

**WRITTEN STATEMENT OF
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ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, AND JUDICIARY
OF THE
COMMITTEE ON APPROPRIATIONS
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Thank you for the opportunity to present EPA's views on the role of domestic terrorism preparedness as part of the Agency's overall mission to protect human health and the environment. I am pleased to say that EPA's efforts to meet its counter-terrorism obligations are consistent with the President's statement that combating terrorism and protecting the nation's critical infrastructures are a high priority for his administration.

Although acts of terrorism occur relatively infrequently in the United States, the bombing in Oklahoma City six years ago showed us just how vulnerable we can be to terrorist actions.

In 1993, terrorists bombed the World Trade Center in the heart of New York City. And threats and hoaxes involving bombs and other weapons of mass destruction (WMD) are a regular occurrence in America's urban centers.

Consequently, we must not underestimate the importance of domestic terrorism preparedness and response activities. EPA's role in these activities is especially vital. When any hazardous substance, pollutant or contaminant is released, we work with Federal, state and local partners in every phase from the initial crisis to the final cleanup.

Background/Authorities

EPA has led the National Response System (NRS) for over 30 years. The NRS is the system by which our local, state and federal responders address hazardous material and oil spill emergencies. These contaminants can include chemical, biological, and radioactive materials that also could be components of WMD. The Agency's basis for its emergency response program is outlined under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP - 40 CFR Part 300). The NRS was originally authorized under the Clean Water Act and supplemented by the authorities of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), and is codified by the NCP. The National Response Team (NRT), established by the NCP, consists of 16 Federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chair and the Coast Guard serves as vice chair of the NRT.

There are several Presidential Decision Directives (PDDs) that specify a role for EPA in counter terrorism activities. PDD 39 assigned EPA the task of assisting the FBI during crisis management in

threat assessments and determining the type of hazards associated with releases or potential releases of materials in a terrorist incident. EPA, as the lead agency for Hazardous Materials Response under Emergency Support Function (ESF) 10 of the Federal Response Plan, is also assigned to assist the Federal Emergency Management Agency, during consequence management with environmental monitoring, decontamination, and long-term site cleanup. PDD 62 reinforces our mission to enhance the nation's capabilities to respond to terrorists events. PDD 63 which addresses the protection of America's critical infrastructure, named EPA the lead agency for the Water Supply Sector. In the Nunn-Lugar-Domenici legislation, EPA was identified as one of the six key federal agencies for assisting in the WMD training program for the nation's first responders.

EPA's Counter-Terrorism Activities

As EPA continues to strengthen its counter-terrorism (CT) program by building on the existing NRS for hazardous materials (hazmat) prevention, preparedness, and response, the Agency is involved in a variety of activities with federal, state, and local officials that include: responding to terrorism threats; pre-deploying for special events; planning, coordination, and outreach; and training and exercises. Most recently, EPA was asked to chair the Security and Safety of U.S. Facilities Group of the National Security Council's Policy Coordinating Committee for Counterterrorism and National Preparedness.

EPA established and maintains a National Incident Coordination Team (NICT) to assure full agency coordination of all emergency preparedness and response activities including counter terrorism.

In the regions, the Agency's first responders are the On-Scene Coordinators (or OSCs). The OSCs have been actively involved with local, state, and federal authorities in preparing for and responding to threats of terrorism. EPA's OSCs, located throughout the United States, have broad response authority and a proven record of success in responding rapidly to emergency situations.

Our expertise in performing off-site monitoring, extent of contamination surveys, working with health officials to establish safe cleanup levels, conducting protective cleanup actions, and communicating technical information/data to impacted citizens is essential for a successful Federal response to an act of terrorism that involves a release of chemical, biological, or radioactive material. EPA brings unique capabilities and experience to the response process.

EPA OSCs have been active in planning and pre-deploying Agency assets for National Security Special Events (NSSE), including the Democratic and Republican National Conventions, the Presidential Inauguration, the NATO 50th Anniversary Summit, and the 1996 and 2002 Olympics. EPA's experience working with its existing partners through the National Response System provides a unique asset in preparing for the potential for terrorism at these significant events.

EPA has a mandate and a history of working closely with State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) to develop emergency response plans for hazardous materials releases. We are expanding this work with SERCs and LEPCs to encourage them to incorporate terrorism response issues into their existing emergency response plans. We have

worked closely with other federal agencies to develop interagency response plans for terrorist incidents including the U.S. Government Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN), the Terrorism Incident Annex to the Federal Response Plan, the Department of Defense CONPLAN 0500, and the Administration's Five-Year Interagency Counterterrorism and Technology Crime Plan.

EPA's National Enforcement Investigations Center (NEIC) conducts the forensic evidence collection on nonmilitary industrial chemicals in the event of an ecoterrorism event. NEIC trains state, local, and federal personnel in this type of work and are active members of the multi-agency task force in the counterterrorism effort. EPA's Criminal Investigation division typically investigates such incidents jointly with the FBI, after the immediate response actions are completed.

EPA works with the Association of Metropolitan Water Agencies, which provides leadership to an industry working group to help identify threats, vulnerabilities and cost-effective remedial steps. Areas of concern include contamination, bomb damage and intrusion into computer-based control systems. EPA is working with other federal agencies, universities and industry sponsored research foundations to develop useful tools . These tools include an encrypted Internet based information sharing system, a vulnerability assessment checklist, emergency operations planning guidance, detection systems for chemical and biological agents, and models to track the movement of agents in rivers and water pipelines. EPA has had a very good response from the large water utilities serving greater than 100,000 people. Many of these utilities are very interested in helping to develop and eventually use

these tools.

EPA is currently providing supplemental hazardous materials training to its OSCs to ensure their health and safety when responding to a terrorist incident, particularly one involving WMD. EPA's basic and advanced hazardous materials training has also been provided to some of the National Guard WMD Civil Support Teams and to other federal, state, and local emergency responders. We have been an integral part of the Nunn-Lugar-Domenici Domestic Preparedness Program and its predecessor under DOJ providing terrorism response training to local emergency responders. To test its readiness and coordination with other agencies, we have participated in several terrorism exercises, most recently the TOPOFF Exercise in May 2000 and the Wasatch Rings Exercise in April 2001 (in preparation for the 2002 Olympics). We have also participated in the ITRAP interagency series of exercises for senior department and agency policy and counter terrorism coordination officials.

EPA Progress/Success/Limitations

Over the past several years, the Agency has made continual progress in integrating CT into its existing preparedness and response programs. We have trained our On-Scene Coordinators, participated in national exercises, pre-deployed staff to significant National Security Special Events, and participated in interagency planning and coordination efforts. Using its existing response system and the longstanding relationships developed with its federal and state and local partners, EPA has responded when requested to terrorist threats and hoaxes.

While the Agency has made progress in developing its CT program, there are also challenges. An important one involves the WMD readiness of our emergency response personnel whose primary job and responsibilities are to provide the federal response safety net to state and local governments for hazardous materials and oil spill response. In order to best support our partners, it is not only important but vital that we ensure that our employees are fully trained and equipped to handle the dangers associated with WMD substances. Our progress in other areas (outreach, exercise, planning) is impacted by the dual role that our planning and response personnel have. Therefore, during the development of the FY 2003 budget, EPA will examine this issue, as well as other areas of the program to ensure that the Agency is meeting its CT obligations to its personnel and the expectations of its partners and the public.

Conclusion

In closing, EPA brings a long history of successful emergency response combined with authorities that empower our On-Scene Coordinators to direct the work in the field on a real-time basis. We have a long-standing relationship with state and local responders, as a result of working under the National Response System and EPA's state and local planning efforts and exercises. These types of relationships can spell the difference between success and failure in the critical first hours following an incident. We are often the first federal agency that is on scene. Further, we will usually be there after other federal agencies have gone home, as we assume the long term clean up efforts.

Thank you.